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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,833	01/12/2004	John A. Blanchard III	AUS920030618US1	3276

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EXAMINER	
KUMAR, ANIL N	

ART UNIT	PAPER NUMBER
2174	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/755,833	BLANCHARD ET AL.	
	Examiner	Art Unit	
	Anil N. Kumar	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 May 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the amendment filing on May 14th, 2007. There are no amendments to the specifications or to the drawings. Claims 1, 3, 8, 10 and 14 are amended. Claims (1-18) continue to be pending and have been considered below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellison-Taylor (US 5,796,402) in view of Durrani et al. (US 6,057,840).

Claims 1 and 8: Ellison-Taylor discloses a method for increasing screen space of a computing device using semi-transparent functional control images on the screen comprising the steps of:

- determining the size of functional control images for display on the screen (i.e. step 304- define rectangles for windows col 3-4 lines 66-1 and Fig. 3);
- determining the overall display area of the screen of the computing device (i.e. step 302- define bounding rectangle col 3 lines 49-51 and Fig. 3);

- and continually displaying functional control images on the screen of the computing device over nonfunctional screen and content (i.e. step 312 - display adjusted rectangles col 5 lines 50-51 and Fig. 3),

but does not disclose

- and in a semitransparent state such that nonfunctional screen content covered by the displayed functional control images remains visible and such that no functional control images simultaneously share any of the same space on the screen .

However, Durrani et al. discloses a method and apparatus for using a semi-transparent graphical image (i.e. semi-transparent scroll bars, Abstract, Figs. 3A-3B). Therefore, it would have been obvious to one having ordinary skill in the art at the time of this invention, as thought by Durrani et al., to provide the transparent windows, in Ellison-Taylor. One would be motivated to provide the transparent functional windows to improve user interface, especially if the screen is small, and input devices are limited.

Claims 2 and 9: Ellison-Taylor and Durrani et al. disclose a method and computer program product for aligning transparent windows on a computer screen, as in claims 1 and 8 above. Furthermore, Ellison-Taylor discloses:

- an embodiment for determining the maximum number of control images that can be displayed in the overall area of the screen such that no images

have any overlap on the screen (i.e. total number of windows , step 614, col 6 lines 28-43 and Fig. 6).

Claims 3 and 10: Ellison-Taylor and Durrani et al. disclose a method and computer program product for aligning transparent windows on a computer screen, as in claims 2 and 9 above. Furthermore, Ellison-Taylor discloses:

- in response to a user request, retrieving an application program (i.e. user request to run a program col 3 lines 29-31);
- determining the number of control images for display from retrieved program (i.e. retrieve each window coordinates from the operating system col 3 lines 66-67);
- and when the number of control images is less than the maximum number of images that can be displayed on that screen, simultaneously displaying all of the control images for that program (i.e. display windows – col 5 lines50-51 and Figs.3 and 5).

Claims 4 and 11: Ellison-Taylor and Durrani et al. disclose a method and computer program product for aligning transparent windows on a computer screen, as in claims 2 and 9 above. Furthermore, Ellison-Taylor discloses:

- in response to a user request, retrieving an application program; (i.e. user request to run a program col 3 lines 29-31)

- determining the number of control images for display from retrieved program; (i.e. total number of windows , step 614, col 6 lines 28-43 and Fig. 6)
- when the determination is that the number of control images for display is greater than the maximum number of control images for that screen, ranking the control images for that program; (i.e. system aligns the windows based on a criteria: step 308, col 2 lines 22-24 and Fig. 3)
- and displaying (i.e. step 312 display adjusted rectangles, Fig. 3) the control images in an order according to the rank of the control images (i.e. ...window E has been accessed most recently before window F, and so on... col 1 lines 39-49) .

Claims 5 and 12: Ellison-Taylor and Durrani et al. disclose a method and computer program product for aligning transparent windows on a computer screen, as in claims 4 and 11 above. Furthermore, Ellison-Taylor discloses:

- displaying a control image on the screen; (i.e. ... tiling program displays in step 312... col 5 lines 50-51)
- incrementing a control image display number count; (i.e. ...increment the index... col 6 lines 41-43 and Fig. 6)
- comparing the display count with the maximum number of control images for that screen; (i.e. ...determines whether the index m is equal to index value... col 6 lines 31-34 and Fig. 6)

- and displaying the next control image on the screen when the display count is less than the maximum number of control images for that screen (i.e. .step 312 display adjusted rectangles, Fig. 3).

Claim 6: Ellison-Taylor and Durrani et al. disclose a method for aligning transparent windows on a computer screen, as in claim 4 above. Furthermore, Ellison-Taylor discloses:

- displaying a control image on the screen; (i.e. ... tiling program displays in step 312... col 5 lines 50-51)
- incrementing a control image display number count; (i.e. ...increment the index... col 6 lines 41-43 and Fig. 6)
- comparing the display count with the maximum number of control images for that screen; (i.e. ...determines whether the index m is equal to index value... col 6 lines 31-34 and Fig. 6)
- and terminating the method when the display count is equal to the maximum number of control images for that screen (i.e. .step 1112, ...if the index is equal to the index value of the last window, then the routine returns (terminates)... col 11 lines 1-5 , Fig. 11).

Claim 7: Ellison-Taylor and Durrani et al. disclose a method for aligning transparent windows on a computer screen, as in claim 4 above. Furthermore, Ellison-Taylor discloses wherein the ranking process by prioritizing the control

images according to the frequency of use of the control image (i.e. system aligns the windows based on a criteria: step 308, col 2 lines 22-24 and Fig. 3)

Claim 13: Ellison-Taylor and Durrani et al. disclose a computer program product for aligning transparent windows on a computer screen, as in claim 11 above. Furthermore, Ellison-Taylor discloses:

- displaying a control image on the screen; (i.e. ... tiling program displays in step 312... col 5 lines 50-51)
- incrementing a control image display number count; (i.e. ...increment the index... col 6 lines 41-43 and Fig. 6)
- comparing the display count with the maximum number of control images for that screen; (i.e. ...determines whether the index m is equal to index value... col 6 lines 31-34 and Fig. 6)
- and terminating the method when the display count is equal to the maximum number of control images for that screen (i.e. .step 312 display adjusted rectangles, Fig. 3).

Claim 14: Ellison-Taylor discloses a computing device using functional control areas on the screen comprising:

- a processing unit incorporated within the computing device; (i.e. Fig. 2)
- a screen for displaying information to the user of the computing device, said screen comprising a content layer and a control layer, said control

layer further comprising non-overlapping functional control areas on the screen; (i.e. Figs. 13A/B)

- and control software for implementation of control functions corresponding to the semi-transparent control areas (i.e. routines invoked by the tiling program, Figs 6-12)
- and a software module for ranking (i.e. ...window E has been accessed most recently before window F, and so on... col 1 lines 39-49) control for mages that are to be displayed and for continually displaying functional control images on the screen of the computing device over nonfunctional screen and content (Figs. 13-14)

but does not disclose

- a semitransparent state such that nonfunctional screen content covered by the displayed functional control images remains visible and such that no functional control images simultaneously share any of the same space on the screen

However, Durrani et al. discloses a method and apparatus for using a semi-transparent graphical image (i.e. Abstract, Figs. 3A-3B). Therefore, it would have been obvious to one having ordinary skill in the art at the time of this invention, as thought by Durrani et al., to provide the transparent windows, in Ellison-Taylor. One would be motivated to provide the transparent functional windows to improve user interface, especially if the screen is small, and input devices are limited.

Claim 15: Ellison-Taylor and Durrani et al. disclose a device for presenting information in a display system using transparent windows, as in claim 14 above. Furthermore Durrani et al. discloses,

- wherein said control layer overlays said content layer on said screen (i.e. Fig . 3B)

Claim 16: Ellison-Taylor and Durrani et al. disclose a device for presenting information in a display system using transparent windows, as in claim 14 above. Furthermore, Ellison-Taylor discloses,

- wherein the control areas and said control software comprise a user interface for the computing device.(i.e. mouse 210, keyboard 220 in Fig. 2)

Claim 17: Ellison-Taylor and Durrani et al. disclose a method and device for aligning transparent windows on a computer screen, as in claim 16 above. Official Notice is taken that it is well known within the computer arts since 1990's to use a touch control screen where user's do not generally have access to any other input device, or in some special situations like ATMs. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to provide this feature, like using a touch control screen, in Ellison-Taylor. One would be motivated to provide a specific display, like touch screen display, depending on the applications need such as ATMS, or hand held

devices where screen is too small, and only other input devices is usually a stylus or a finger.

Claim 18: Ellison-Taylor and Durrani et al. disclose a device for presenting information in a display system using transparent windows, as in claim 14 above. Furthermore Ellison-Taylor discloses,

- control buttons not positioned on the device screen.(i.e. rearrange the windows using a mouse col 1 lines 29-31)

Response to Arguments

4. The Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil N. Kumar whose telephone number is (571) 270-1693. The examiner can normally be reached on alternate Mon-Tue and Wed-Fri EST (Alternate Mon-Tue and Wed-Fri off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kristine Kincaid

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ANK

5/30/2007